

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

| | | |
|------------------------------|---|-------------------------|
| JIMMIE LEWIS, |) | |
| |) | |
| Plaintiff, |) | C.A. No.: 04-1350 (GMS) |
| |) | |
| v. |) | |
| |) | |
| SYLVIA FOSTER, LANCE SAPERS, |) | |
| DAVE MOFFITT, R. GRAY, |) | |
| MR. JOHNSON, JOHN JOE, |) | |
| |) | |
| Defendants. |) | |

**DEFENDANT DR. SYLVIA FOSTER'S RESPONSE TO PLAINTIFF'S
MOTION FOR INTERROGATORY ANSWERS #4 FOR DEFENDANT,
DR. SYLVIA FOSTER, IN ACCORDANCE TO THE HONORABLE
JUDGE GREGORY M. SLEET'S APRIL 9TH, 2007 ORDER PURSUANT TO
FEDERAL RULE OF CIVIL PROCEDURE NO. 33**

COME NOW, Defendant, Dr. Sylvia Foster, by and through her undersigned counsel and responds to Plaintiff's Motion for Interrogatory Answers #4 for Defendant, Dr. Sylvia Foster, in accordance to the Honorable Judge Gregory M. Sleet's April 9th, 2007 Order pursuant to Federal Rule of Civil Procedure No. 33, and in support thereof, avers the following:

1. To help the plaintiff regain control of self.
2. Everyone admitted to the Mitchell Building starts on Level A. Each person must demonstrate 30 days of compliance with their treatment plan to reach Level B. There is no such term at Delaware Psychiatric Center as "sanction".
3. Objection. Attorney Work Product.
4. Objection. Attorney Work Product.
5. The psychiatrist has no administrative authority over any personnel at the Delaware Psychiatric Center.

6. Objection. Request is vague and ambiguous. By way of further response without waiving the Objection, Plaintiff is in a better position to answer this question than Answering Defendant.

7. Answering Defendant did not evaluate the Plaintiff in regards to specific offenses.

8. See Delaware Psychiatric Center's regulations, policies and procedures.

9. Yes. When a patient is placed in four point restraints, Delaware Psychiatric Center policy is that the person must be directly and individually monitored and assessed by the registered nurse and the doctor. A nursing assistant must be within arm's length of the person at all times. When in seclusion, the patient must be directly visually observed through a one-way mirror at all times. By way of further responses, see Delaware Psychiatric Center regulations, policies and procedures.

10. Yes.

11. It was the consensus of opinion of the treatment team that the diagnosis was as it is presented in the report.

12. Yes.

13. Yes.

14. Yes.

15. Yes.

16. Yes; see Delaware Code, Title 16, Section 5005.

17. No.

18. No.

19. The Delaware Code requires that during a psychiatric emergency, when someone demonstrates the loss of self-control, that there be measures in place such as the involuntary

administration of medication to keep the unit safe.

20. Geodon is sometimes given to resolve agitation; however, it can cause somnolence as well.

21. Objection. Not reasonably calculated to lead to admissible evidence.

RESPECTFULLY SUBMITTED,

REGER RIZZO KAVULICH & DARNALL LLP

/s/ Louis J. Rizzo, Jr.

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Attorney for Defendant Dr. Sylvia Foster

Dated: May 2, 2007

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JIMMIE LEWIS,)
)
Plaintiff,) C.A. No.: 04-1350 (GMS)
)
v.)
)
SYLVIA FOSTER, LANCE SAPERS,)
DAVE MOFFITT, R. GRAY,)
MR. JOHNSON, JOHN JOE,)
)
Defendants.)

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify on this 2nd day of May, 2007 that a true and correct copy of Defendant Dr. Sylvia Foster's Response to Plaintiff's Motion for Interrogatory Answers #4 for Defendant, Dr. Sylvia Foster, in accordance to the Honorable Judge Gregory M. Sleet's April 9th, 2007 Order pursuant to Federal Rule of Civil Procedure No. 33 has been served electronically and/or by first class mail, postage prepaid, to the following:

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